

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**March 10, 2008**

**DIVISION THREE**

B198399      Cytodyn of New Mexico, Inc.      (Not for Publication)  
                 v.  
                 Patricia J. Barry

The orders denying defendant's special motion to strike and imposing attorney's fees and costs are affirmed. The appeal from the order imposing discovery sanctions is dismissed. Plaintiff's request for sanctions on appeal is denied. Costs on appeal are awarded to plaintiff.

Kitching, J.

We concur:   Klein, P.J.  
                 Croskey, J.

**DIVISION FIVE**

B200818      Cynthia Hart                      (Not for Publication)  
                 v.  
                 Thomas Hart

The judgment is affirmed. Respondent(s) to recover costs.

Armstrong, Acting P.J.

We concur:   Mosk, J.  
                 Kriegler, J.

DIVISION FIVE (continued)

B200882      Richard Gillaspy                      (Not for Publication)

v.

Los Angeles County Fire Department

The judgment is affirmed. Respondent(s) to recover costs.

Armstrong, J.

We concur:    Turner, P.J.

Kriegler, J.

B198637      Carmen Chung                      (Not for Publication)

v.

Van Nuys Iceland Skating Center et al.,

The judgment is affirmed. Respondent(s) to recover costs.

Armstrong, J.

We concur:    Turner, P.J.

Mosk, J.

B193542      Robert Merette et al              (Not for Publication)

v.

Steven Roth

The judgment is reversed. Appellant(s) to recover costs.

Kriegler, J.

We concur:    Turner, P.J.

Armstrong, J.

DIVISION FIVE (continued)

B195333 M.F. Construction Inc. (Not for Publication)

v.

Melissa Miller, et al.,

The judgment is affirmed. Respondent(s) to recover costs.

Armstrong, Acting P.J.

We concur: Mosk, J.

Kriegler, J.

B197088 Ivan Newman (Not for Publication)

v.

Community Redevelopment Agency of Los Angeles

J.H. Snyder Group

The judgment is affirmed. Respondent(s) to recover costs.

Mosk, J.

We concur: Armstrong, Acting P.J.

Kriegler, J.

B200383 Los Angeles County, D.C.S (Not for Publication)

v.

Javier D.

In re Alba G.

The jurisdictional finding is affirmed. The order concerning appellant's visits with Alba is reversed, and the case is remanded for further proceedings consistent with this opinion.

Armstrong, J.

I concur: Mosk, J.

I dissent: Turner, P.J. (Opinion)

March 10, 2008 (Continued)

## DIVISION FIVE (continued)

B197843 People (Not for Publication)

V.

Tracy Lee Dotson

The judgment is affirmed.

Turner, P.J.

We concur: Mosk, J.

Kriegler, J.

B200071      Los Angeles County, D.C.S.      (Not for Publication)

V.

Erica J.

Jorge R.

The judgment is affirmed.

Kriegler, J.

We concur: Turner, P.J.

Armstrong, J.

B196924 People (Not for Publication)

V.

James Lee Whetstone

The judgment is affirmed.

Kriegler, J.

We concur: Turner, P.J.

Armstrong, J.

## March 10, 2008 (Continued)

## DIVISION FIVE (continued)

B196796 People (Not for Publication)

V.

Johnte Watson et al.,

The judgment is affirmed as to defendant Watson and defendant O'Brien.

Kriegler, J.

We concur:    Armstrong, Acting P.J.

Mosk, J.

DIVISION SIX

B200484      Ventura County Human      (Not for Publication)

## Services Agency

V.

Randy F., et al.,

We dismiss the appeal as moot.

Gilbert, P.J.

We concur: Coffee, J.

Perren, J.

## DIVISION SEVEN

B194896 DeSimone (Not for Publication)

V.

County of Los Angeles

The judgment is affirmed. Respondent(s) to recover costs.

Zelon, J.

We concur: Perluss, P.J.

Woods, J.

March 10, 2008 (Continued)

DIVISION SEVEN (continued)

B194031 People (Not for Publication)  
v.  
Verduzco

The judgment is affirmed.

Wiley, J. (Assigned)

We concur: Perluss, P.J.  
Zelon, J.

B201108      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Amber N.

The judgment is affirmed.

Woods, J.

We concur: Perluss, P.J.  
Zelon, J.

B190848      Lorsch      (Not for Publication)  
v.  
Lorsch

The judgment is affirmed. Robert to recover costs on appeal.

Woods, J.

We concur: Perluss, P.J.  
Zelon, J.

## DIVISION SEVEN (continued)

B197930 People (Not for Publication)  
v.  
Baker

The post judgment order revoking probation is affirmed. The judgment is reversed and the cause remanded to the superior court with directions to vacate the sentence of two years eight months and to execute the previously imposed and stayed three-year sentence, consisting of concurrent upper terms of three years for possession of cocaine base in violation of Health and Safety Code section 11350, subdivision (a)(count 1) and possession of a dirk or dagger in violation of Penal Code section 12020, subdivision (a)(4) (count 2). The superior court shall forward a corrected abstract of judgment to the Department of Corrections and Rehabilitation.

Woods, J.

We concur: Perluss, P.J.  
Zelon, J.

B197764 People (Not for Publication)  
v.  
Elkins

The judgment is affirmed.

Woods, J.

We concur: Perluss, P.J.  
Zelon, J.

March 10, 2008 (Continued)

## DIVISION SEVEN (continued)

B198402 People (Not for Publication)  
v.  
Jordan

The judgment is affirmed.

Woods, J.

We concur: Perluss, P.J.  
Zelon, J.

B199194 Carr (Not for Publication)  
v.  
City of Los Angeles et al.

The judgment is affirmed. We grant the LAPD's motion to strike portions of Carr's reply brief. The LAPD shall recover its costs on appeal.

Wiley, J. (Assigned)

We concur: Woods, Acting P.J.  
Zelon, J.

## DIVISION EIGHT

B172940 People (Not for Publication)  
v.  
Mitchell

Affirmed with modifications. In accordance with the views expressed herein, the judgment is hereby modified to strike the 10 year gang enhancement pursuant to section 186.22, subdivision (b)(1), the restitution fine pursuant to section 1202.4m subdivision (b), and the parole revocation fine pursuant to section 1202.45. The superior court is directed to send a corrected abstract reflecting these changes to the Department of Corrections. In all other respects, the judgment is affirmed.

Flier, J.

I concur: Rubin, Acting P.J.



March 10, 2008 (Continued)

## DIVISION EIGHT (continued)

B196147 People (Not for Publication)  
v.  
Castro

The judgment is affirmed.

Flier, J.

We concur: Cooper, P.J.  
Egerton, J. (Assigned)

B190437 People  
v.  
Bhakta et al.,

Filed order vacating submission order of February 28, 2008. Counsel is requested to file supplemental letter briefs (Govt. Code, § 68081.).